

1  
2  
3  
4  
5  
6 JUDGE FRANKLIN D. BURGESS  
7  
8  
9  
10  
11  
12  
13

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA, ) NO. CR05-5761FDB  
Plaintiff, )  
vs. ) ORDER GRANTING STIPULATED  
CORY HAMILTON, ) MOTION TO CONTINUE TRIAL  
Defendant. ) DATE  
\_\_\_\_\_  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Based on the stipulated motion of the parties to continue the trial date, and the affidavit of defense counsel in support of the motion, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).
2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(I).
3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B)(ii).
4. Taking into account the exercise of due diligence, a continuance is necessary to allow the defendant the reasonable time for effective preparation his defense. 18 U.S.C. § 3161(h)(8)(B)(iv).

1 NOW, THEREFORE,

2 IT IS HEREBY ORDERED that the trial date is continued from December 19, 2005  
3 to January 23, 2006, at 9:00 am. The resulting period of delay from December 19, 2005,  
4 to January 23, 2006, is hereby excluded for speedy trial purposes under 18 U.S.C. §  
5 3161(h)(8)(A) and (B).

6 Pre-trial conference shall be on January 13, 2006, at 1:30 pm.

7 DONE this 1<sup>st</sup> day of December, 2005.

8  
9  
10  
11   
12  
13

14 FRANKLIN D. BURGESS  
15 UNITED STATES DISTRICT JUDGE  
16  
17 Presented By:  
18  
19  
20  
21  
22  
23  
24 /s/ *Colin A. Fieman* \_\_\_\_\_ /s/ *Gregory Gruber* \_\_\_\_\_  
25 Colin A. Fieman  
26 Attorney for Defendant Gregory Gruber  
Assistant United States Attorney